

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. MARLOW POOR THUNDER, Defendant.	3:22-CR-30050-RAL REPORT AND RECOMMENDATIONS ON DEFENDANT'S CHANGE OF PLEA
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The above-captioned matter came on before the Court for a change of plea hearing on Thursday, May 26, 2022. Defendant, Marlow Poor Thunder, appeared in person and by his counsel, Edward Albright, while Plaintiff, United States of America ("Government") appeared through Carl Thunem, an Assistant United States Attorney.

Defendant consented in open court to the change of plea before the Court and his consent was knowingly and voluntarily made. The Government likewise consented to the Court taking Defendant's plea. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement with the Government wherein he intends to plead guilty to Count 1 as contained in the Indictment. Defendant is charged in Count 1 of the Indictment with Escape from Custody in violation of 18 U.S.C. § 751(a) and 4082. At the hearing, Defendant was advised of the nature of the charge to which he would plead guilty and the maximum penalty applicable, specifically: 5 years custody; 250,000

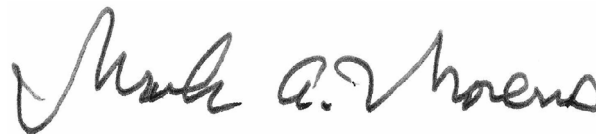
fine, or both; 3 years supervised release; 2 additional years imprisonment if supervised release is revoked on any such revocation; \$100 assessment; and restitution.

Upon questioning Defendant personally in open court, it is the finding of the Court that Defendant is fully competent and capable of entering an informed plea, that he is aware of the nature of the charged offense and the consequences of the plea, and that his plea of guilty to the offense contained in Count 1 of the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is, therefore, the Court's recommendation that the guilty plea to Count 1 of the Indictment be accepted and that Defendant be adjudged guilty of that offense.

It is further ORDERED that Defendant shall remain detained pending sentencing or until further order of a judicial officer of this District as previously ordered.

DATED this 26th day of May, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Mark A. Moreno", is written over a horizontal line.

MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE